

IN THE CLAIMS

Please amend the claims as follows.

1. (Currently Amended) A package comprising:
a bag formed of a material comprising ~~at least one layer~~ a laminate, a co-extrusion of at least two materials or a combination thereof, the bag having an exterior portion, an interior portion, an oxygen barrier and a moisture barrier, wherein the bag ~~does not require an oxygen scavenger or an exterior carton and~~ is vacuum-sealed ~~at least temporarily~~; and
an item comprising a frangible non-free flowing puffed cereal-based material with a water activity between about 0.2 and 0.4 and a crush resistance or resistance to compression no less than about 7.0 PSIA, the item being held in the interior portion of the bag, the interior portion of the bag having less than about 1ppm hexanal therein.
- 2-3. (Canceled)
4. (Original) The package of claim 1 further comprising an exterior carton in which the package is enclosed.
5. (Original) The package of claim 1 wherein the bag further comprises a coupon or premium.
6. (Original) The package of claim 5 wherein the coupon or premium is located on the exterior portion of the bag.
7. (Original) The package of claim 5 wherein the coupon or premium is located in the interior portion of the bag.
8. (Original) The package of claim 5 further comprising a separate compartment in which the coupon is located.

9. (Original) The package of claim 1 wherein the bag is translucent.
10. (Original) The package of claim 1 wherein the bag is opaque.
11. (Original) The package of claim 10 wherein the bag further comprises a transparent window.
12. (Original) The package of claim 1 wherein the exterior portion of the bag is textured.
13. (Original) The package of claim 1 wherein the bag is preprinted with product information.
14. (Original) The package of claim 1 wherein the bag further comprises a pressure sensitive label affixed to the exterior portion of the bag.
15. (Original) The package of claim 1 wherein the frangible material has a crush resistance of between about 14.7PSIA - 100 PSIA.
16. (Currently Amended) The package of claim 1 wherein ~~the frangible material is a cereal based material~~ at least a portion of ~~which~~ the frangible material comprises a whole grain selected from the group consisting of whole grain oats, whole grain rice, whole grain corn and mixtures thereof.
17. (Currently Amended) The package of claim 16 wherein the ~~cereal-based~~ frangible material further comprises soybean flour.
- 18-20. (Canceled)
21. (Currently Amended) The package of claim ~~20~~ 16 wherein the ~~puffed pieces are~~ frangible material is comprised of ring-shaped, spherical or convex puffed pieces.

22. (Currently Amended) The package of claim ~~20~~ 16 wherein the ~~puffed pieces have an irregular shape~~ frangible material is comprised of irregularly-shaped puffed pieces.

23. (Canceled)

24. (Original) The package of claim 16 wherein the frangible material further comprises marbits.

25-26. (Canceled)

27. (Original) The package of claim 1 wherein the bag has a semirigid portion.

28. (Original) The package of claim 27 further comprising an interior structure.

29. (Currently Amended) The package of claim 27 wherein the frangible material ~~is selected from the group consisting of popped popcorn and~~ comprises snack chips.

30-31. (Canceled)

32. (Original) The package of claim 27 wherein the bag is filled a gas selected from the group consisting of Nitrogen, Nitrous Oxide, Argon, Neon and mixtures thereof.

33. (Original) The package of claim 1 wherein the bag has a first chamber and second chamber separated from the first chamber.

34. (Currently Amended) The package of claim 33 wherein the frangible material ~~is cereal based and~~ comprises a nonparticulate portion packaged in the first chamber and a particulate portion packaged in the second chamber.

35. (Original) The package of claim 34 wherein the nonparticulate portion and particulate portion have a ΔA_w of at least about 0.1.

36. (Canceled)

37. (Original) The package of claim 34 wherein the nonparticulate portion has an A_w of no greater than about 0.7.

38. (Original) The package of claim 37 wherein the nonparticulate portion has an A_w of about 0.6.

39. (Currently Amended) The package of claim 1 wherein the frangible material ~~comprises a cereal~~ is made of an oat flour which has a tendency to become rancid and is pretreated to reduce or prevent rancidity.

40. (Canceled)

41. (Original) The package of claim 1 wherein the bag further comprises a closure.

42. (Original) The package of claim 41 wherein the bag is recloseable.

43. (Currently Amended) The package of claim 1 wherein the bag is preformed and has a predetermined shape, and the frangible material ~~is a cereal-based material having~~ has a crush resistance of at least about 7.0 PSIA, at least a portion of the material comprising a whole grain.

44. (Canceled).

45. (Original) The package of claim 44 comprising a seal strong enough to maintain said vacuum conditions within the package.

46. (Original) The package of claim 43 wherein the predetermined shape is selected from the group consisting of a rectangular shape, a brick shape, a square shape, a circular shape, a rectangular cube shape, a square cube shape, a spherical shape, a heart shape, an egg shape, a star shape, a pumpkin shape, a Christmas tree shape, a football shape, a basketball shape and a milk carton shape.

47. (Original) The package of claim 46 wherein the bag is preformed in the shape of a rectangular cube.

48. (Original) The package of claim 43 further comprising a cereal carton in which the bag is enclosed.

49. (Original) The package of claim 48 wherein:
the cereal carton has a bottom and a top;
the bag has a bottom and a top;
the top of the bag has a vacuum seal and the bottom of the bag has a perforated portion;
and
the bag is inserted in the carton so that the bottom of the bag is at the top of the carton
and the bag is opened by opening the perforated portion thereof.

50. (Original) The package according to claim 49 wherein the cereal carton is made of paperboard.

51. (Original) The package of claim 43 wherein the bag is rectangular and comprises a bottom, a pair of opposed sides, a top, and a recloseable opening at the top.

52. (Original) The package of claim 51 wherein the recloseable opening further comprises an adhesive closure.

53. (Original) The package of claim 52 wherein the adhesive closure comprises a tacky pressure sensitive adhesive.
54. (Original) The package of claim 51 wherein the recloseable opening further comprises a cold seal.
55. (Original) The package of claim 51 wherein the recloseable opening further comprises a zipper.
56. (Original) The package of claim 51 wherein the recloseable opening further comprises a clip mechanism.
57. (Original) The package of claim 51 wherein the recloseable opening further comprises a tin tie.
58. (Canceled)
59. (Currently Amended) The package of claim ~~58~~ 1 wherein the laminate has an oxygen permeability of no greater than about 0.02 cc/100 in.² in about one day.
60. (Currently Amended) The package of claim ~~58~~ 1 wherein the laminate has an oxygen permeability of no greater than about 0.05 cc/100 in.² in about one day.
61. (Currently Amended) The package of claim ~~58~~ 1 wherein the laminate has an oxygen permeability of no greater than about 0.013 cc/100 in.² in about one day.
62. (Currently Amended) The package of claim ~~58~~ 1 wherein the laminate is a flexible material comprising:
a polymer substrate selected from the group consisting of polyethylene (PE), polypropylene (PP), polyethylene terephthalate (PET), and polylactic acid (PLA);

an oxygen barrier layer; and
a moisture barrier layer comprising a metallized polymeric composite.

63. (Original) The package of claim 62 further comprising a film or ceramic including a component selected from the group consisting of oxygen scavengers and antioxidants.

64. (Currently Amended) The package of claim ~~58~~ 1 wherein the laminate is a flexible material comprising:

a layer of aluminum oxide coated polyethylene;
a layer of polyester;
a layer of glass or ceramic; and
a polyester sealant interior of the aluminum oxide coated polyethylene layer.

65. (Currently Amended) The package of claim ~~58~~ 1 wherein the laminate comprises a moisture barrier coating exterior of an oxygen barrier coating.

66-76. (Canceled)